

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

V.

2.057 ACRES OF LAND, MORE OR LESS,
SITUATE IN STARR COUNTY, STATE
OF TEXAS; AND RODOLFO R. MOLINA,
ET AL.,

Defendants.

§ § § § § § § § § § § § § § § §

CASE NO. 7:20-CV-421

COMPLAINT IN CONDEMNATION

1. This is a civil action brought by the United States of America at the request of the Secretary of the Department of Homeland Security, through the Acquisition Program Manager, Wall Program Management Office, U.S. Border Patrol Program Management Office Directorate, U.S. Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security, for the taking of property under the power of eminent domain through a Declaration of Taking, and for the determination and award of just compensation to the owners and parties in interest.

2. The Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1358.

3. The interest in property taken herein is under and in accordance with the authority set forth in Schedule "A."

4. The public purpose for which said interest in property is taken is set forth in Schedule “B.”

5. The legal description and map or plat of land in which certain interests are being

acquired by the filing of this Complaint, pursuant to the Declaration of Taking, are set forth in Schedules “C” and “D.”

6. The interest being acquired in the property described in Schedules “C” and “D” is set forth in Schedule “E.”

7. The amount of just compensation estimated for the property interest being acquired is set forth in Schedule “F.”

8. The names and addresses of known parties having or claiming an interest in said acquired property are set forth in Schedule “G.”

9. Local and state taxing authorities may have or claim an interest in the property by reason of taxes and assessments due and eligible.

WHEREFORE, Plaintiff requests judgment that the interest described in Schedule “E” of the property described in Schedules “C” and “D” be condemned, and that just compensation for the taking of said interest be ascertained and awarded, and for such other relief as may be lawful and proper.

Respectfully submitted,

RYAN K. PATRICK
United States Attorney
Southern District of Texas

By: *s/ P. Conner Kirtley*
P. CONNER KIRTLEY
Assistant United States Attorney
Southern District of Texas No. 3563689
Oklahoma Bar No. 32440
11204 McPherson Road 83, Suite 100 A
Laredo, Texas 78045
Telephone: 956-723-6523
Facsimile: (956) 618-8016
E-mail: Philip.Kirtley@usdoj.gov

SCHEDULE

A

SCHEDULE A

AUTHORITY FOR THE TAKING

The property is taken under and in accordance with 40 U.S.C. §§ 3113 and 3114, which authorize the condemnation of land and the filing of a Declaration of Taking; the Act of Congress approved September 30, 1996, as Public Law 104-208, Division C, Section 102, 110 Stat. 3009-546, 3009-554-55, as amended and codified at 8 U.S.C. § 1103(b) & note; and the Act of Congress approved February 15, 2019, as Public Law 116-6, div. A, tit. II, Section 230, 133 Stat. 13, which appropriated the funds that shall be used for the taking.

SCHEDULE B

SCHEDULE B

PUBLIC PURPOSE

The public purpose for which said property is taken is to construct, install, operate, and maintain roads, fencing, vehicle barriers, security lighting, cameras, sensors, and related structures designed to help secure the United States/Mexico border within the State of Texas.

SCHEDULE C

SCHEDULE C

LEGAL DESCRIPTION

Starr County, Texas

Tract: RGV-RGC-2047, 2047-1
Owner: Rodolfo R. Molina, *et al.*
Total Acres: 2.057

Tract #1: RGV-RGC-2047

Being a 1.013 acre (44,131 square feet) parcel of land, more or less, being out of the Francisco Guerra Survey, Abstract No. 330, Porción 66, Starr County, Texas being out of a called 10.28 acre tract conveyed to Eliza Nelly Molina, Rodolfo R. Molina Jr. and Jose Trinidad Molina by Partition Deed recorded in Instrument No. 2019-348298, Official Records of Starr County, Texas (Parcel "O"-5), said parcel of land being more particularly described by metes and bounds as follows;

Commencing at a set 5/8" rebar with an MDS LAND SURVEYING aluminum disk capped survey marker stamped with the following description: "POC RGV-RGC-2046 2047 2048", said point being in the south line of a called 10.28 acre tract conveyed to Marilu Molina, Dina Scott, Iliana Molina and Myrna Elena Rodriguez by Partition Deed recorded in Instrument No. 2019-348299, Official Records of Starr County, Texas (Parcel "O"-6) and the north line of a called 55.62 acre tract conveyed to Sylvia G. Salinas (1/7), Maria Dolores G. Saenz (1/7), Rosa Maria G. Guerra (1/7), Manuel S. Guerra (1/7), Ruben Roberto Guerra (1/7), Deborah Ann G. Perez Lugo & Elizabeth G. Garcia (1/7), Ana G. Munoz & Joel A. Guerra, III (1/7) by Distribution Deed recorded in Volume 1329, Page 222, Official Records of Starr County, Texas ("Parcel #1: Tract P"), said point having the coordinates of N=16681200.539, E=786491.880;

Thence: S 80-45-00 E (S 80-45-00 E, Record), with the south line of Parcel "O"-6 and the north line of the 55.62 acre tract, for a distance of 100.00' to a set 5/8" rebar with an MDS LAND SURVEYING aluminum disk capped survey marker stamped with the following description: "RGV-RGC-2005-1-2=2048-1", said point being south line of Parcel "O"-6 and the north line of the 55.62 acre tract;

Thence: N 36-10-21 W, departing the north line of the 55.62 acre tract, over and across Parcel "O"-6, for a distance of 231.41' to a set 5/8" rebar with an MDS LAND SURVEYING aluminum disk capped survey marker stamped with the following description: "RGV-RGC-2047-1=2048-2" for the **Place of Beginning** and southwest corner of Tract RGV-RGC-2047, said point being in the south line of Parcel "O"-5 and the north line of Parcel "O"-6, said point having the coordinates of N=16681371.270, E=786453.997;

Thence: departing the north line of Parcel "O"-6, over and across Parcel "O"-5, the following courses and distances:

SCHEDULE C (Cont.)

- N 36-10-21 W, for a distance of 173.91' to a set 5/8" rebar with an MDS LAND SURVEYING aluminum disk capped survey marker stamped with the following description: "RGV-RGC-2047-2" for an angle point of Tract RGV-RGC-2047;
- N 14-35-48 E, for a distance of 35.38' to a set 5/8" rebar with an MDS LAND SURVEYING aluminum disk capped survey marker stamped with the following description: "RGV-RGC-2046-1=2047-3" for the northwest corner of Tract RGV-RGC-2047, said point being in the south line of a called 10.28 acre tract conveyed to Yolanda M. Belmontes by Partition Deed recorded in Instrument No. 2019-348297, Official Records of Starr County, Texas (Parcel "O"-4) and the north line of Parcel "O"-5;

Thence: S 80-45-00 E (S 80-45-00 E, Record), with the north line of Parcel "O"-5 and the south line of Parcel "O"-4, for a distance of 245.91' to a set 5/8" rebar with an MDS LAND SURVEYING aluminum disk capped survey marker stamped with the following description: "RGV-RGC-2046-5=2047-4" for the northeast corner of Tract RGV-RGC-2047, said point being in the north line of Parcel "O"-5 and the south line of Parcel "O"-4, said point bears N 66-01-56 W, a distance of 2296.86' from United States Army Corps of Engineers Control Point No. 138;

Thence: S 36-10-21 E, departing the south line of Parcel "O"-4, over and across Parcel "O"-5, for a distance of 224.09' to a set 5/8" rebar with an MDS LAND SURVEYING aluminum disk capped survey marker stamped with the following description: "RGV-RGC-2047-5=2048-3" for the southeast corner of Tract RGV-RGC-2047, said point being on the south line of Parcel "O"-5 and the north line of Parcel "O"-6;

Thence: N 80-45-00 W (N 80-45-00 W, Record), with the south line of Parcel "O"-5 and the north line of Parcel "O"-6, for a distance of 284.95' to the **Place of Beginning**.

SCHEDULE C (Cont.)

Tract #2: RGV-RGC-2047-1

Being a 1.044 acre (45,492 square feet) parcel of land, more or less, being out of the Francisco Guerra Survey, Abstract No. 330, Porcion 66, Starr County, Texas, being out of the remainder of Share 28-B of the Partition Deed recorded in Volume 114, Page 62, Deed Records of Starr County, Texas and being out of a called 8.02 acre tract designated as Parcel "O"-5A conveyed to Eliza Nelly Molina, Rodolfo R. Molina Jr. and Jose Trinidad Molina by Partition Deed recorded in Instrument No. 2019-348298, Official Records of Starr County, Texas, said parcel of land being more particularly described by metes and bounds as follows;

Commencing at a set 5/8" rebar with an MDS LAND SURVEYING aluminum disk capped survey marker stamped with the following description: "POC RGV-RGC-2005 2005-1 2046-1 2047-1 2048-1", said point being at the southwest corner of a called 8.02 acre tract designated as Parcel "O"-6A conveyed to Marilu Molina, Dina Scott, Iliana Molina and Myrna Elena Rodriguez by Partition Deed recorded in Instrument No. 2019-348299, Official Records of Starr County, Texas, said point being at an interior corner of a called 55.62 acre tract conveyed to Sylvia G. Salinas (1/7), Maria Dolores G. Saenz (1/7), Rosa Maria G. Guerra (1/7), Manuel S. Guerra (1/7), Ruben Roberto Guerra (1/7), Deborah Ann G. Perez Lugo and Elizabeth G. Garcia (1/7), Ana G. Munoz and Joel A. Guerra, III (1/7) by Distribution Deed recorded in Volume 1329, Page 222, Official Records of Starr County, Texas ("Parcel #1: Tract P"), said point having the coordinates of N=16680540.481, E=786819.582;

Thence: N 09°15'00" E (N 09°15'00" E, Record), with the west line of Parcel "O"-6A and the east line of the 55.62 acre tract, for a distance of 250.71' to a set 5/8" rebar with an MDS LAND SURVEYING aluminum disk capped survey marker stamped with the following description: "RGV-RGC-2047-1-1" for the **Place of Beginning** and southwest corner of Tract RGV-RGC-2047-1, said point being at the southwest corner of Parcel "O"-5A and the northwest corner of Parcel "O"-6A, said point being in the east line of the called 55.62 acre tract, said point having the coordinates of N=16680787.931, E=786859.882;

Thence: N 09°15'00" E (N 09°15'00" E, Record), with the west line of Parcel "O"-5A and the east line of the 55.62 acre tract, for a distance of 250.70' to a set 5/8" rebar with an MDS LAND SURVEYING aluminum disk capped survey marker stamped with the following description: "RGV-RGC-2046-1-1=2047-1-2" for the northwest corner of Tract RGV-RGC-2047-1, said point being at

SCHEDULE C (Cont.)

the northwest corner of Parcel "O"-5A and the southwest corner of a called 8.02 acre tract designated as Parcel "O"-4A conveyed to Yolanda M. Belmontes by Partition Deed recorded in Instrument No. 2019-348297, Official Records of Starr County, Texas, said point being in the east line of the 55.62 acre tract;

Thence: S 80°45'00" E, departing the east line of the 55.62 acre tract, with the south line of Parcel "O"-4A and the north line of Parcel "O"-5A, for a distance of 54.25' to a set 5/8" rebar with an MDS LAND SURVEYING aluminum disk capped survey marker stamped with the following description: "RGV-RGC-2046-1-3=2047-1-3" for the north corner of Tract RGV-RGC-2047-1, said point being in the south line of Parcel "O"-4A and the north line of Parcel "O"-5A;

Thence: S 36°10'21" E, departing the south line of Parcel "O"-4A, over and across Parcel "O"-5A, for a distance of 357.19' to a set 5/8" rebar with an MDS LAND SURVEYING aluminum disk capped survey marker stamped with the following description: "RGV-RGC-2047-1-4=2048-1-3" for the southeast corner of Tract RGV-RGC-2047-1, said point being in the south line of Parcel "O"-5A and the north line of Parcel "O"-6A, said point bears N 83°52'27" W, a distance of 1546.08' from United States Army Corps of Engineers Control Point No. 138;

Thence: N 80°45'00" W (N 80°45'00" W, Record), with the south line of Parcel "O"-5A and the north line of Parcel "O"-6A, for a distance of 308.67' to the **Place of Beginning**.

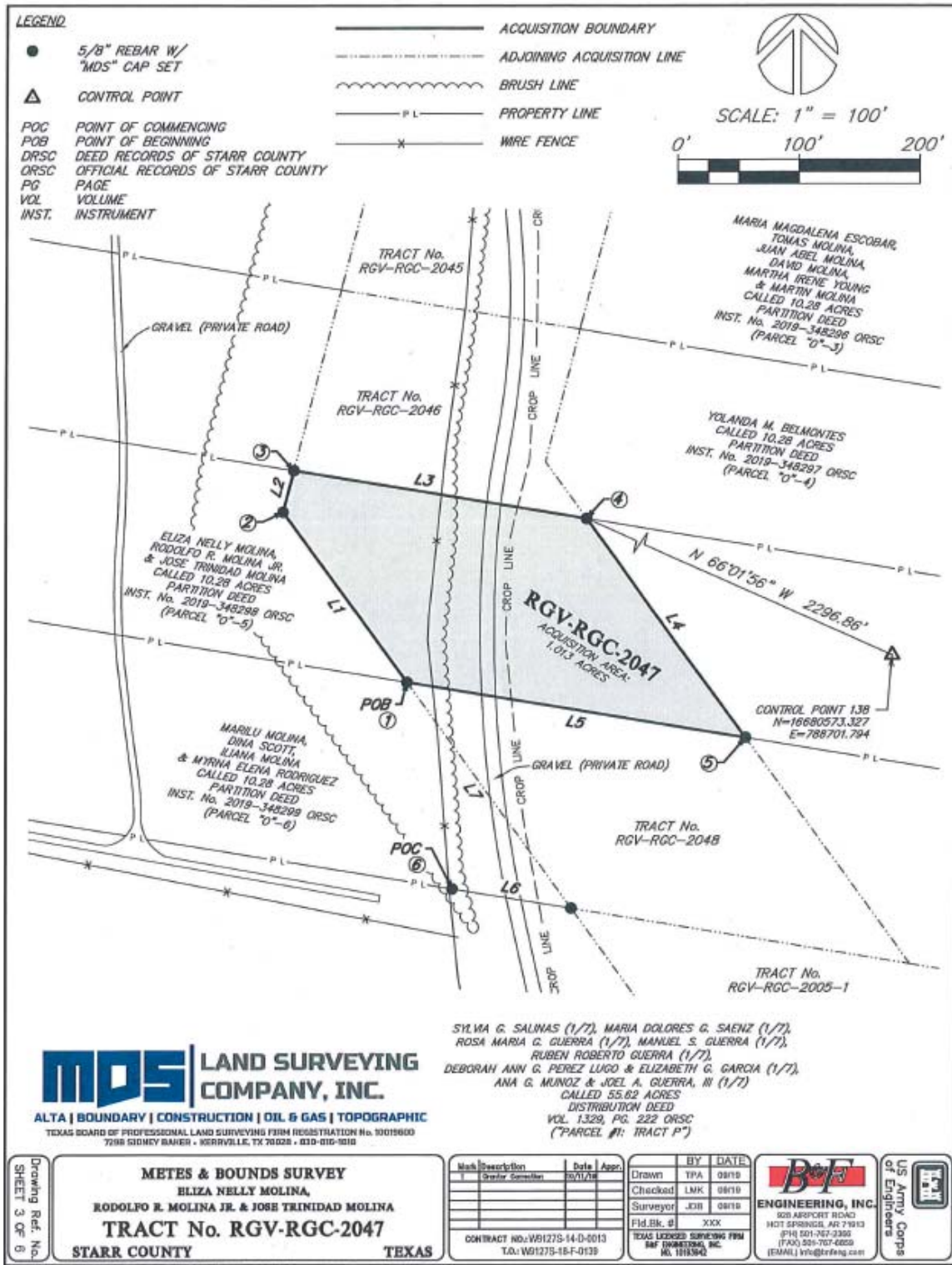
SCHEDULE D

SCHEDULE D

MAP or PLAT

LAND TO BE CONDEMNED

Tract #1: RGV-RGC-2047



SCHEDULE D (Cont.)

LINE	BEARING	DISTANCE	REC-BEARING	REC-DISTANCE
L1	N 36°10'21" W	173.91'	N/A	N/A
L2	N 14°35'48" E	35.38'	N/A	N/A
L3	S 80°45'00" E	245.91'	S 80°45'00" E	N/A
L4	S 36°10'21" E	224.09'	N/A	N/A
L5	N 80°45'00" W	284.95'	N 80°45'00" W	N/A
L6	S 80°45'00" E	100.00'	S 80°45'00" E	N/A
L7	N 36°10'21" W	231.41'	N/A	N/A

COORDINATE TABLE

MONUMENT NO.	NORTHING	EASTING	MONUMENT DESCRIPTION
1	16681371.270	786453.997	RGV-RGC-2047-1=2048-2
2	16681511.654	786351.354	RGV-RGC-2047-2
3	16681545.892	786360.270	RGV-RGC-2046-1=2047-3
4	16681506.365	786602.978	RGV-RGC-2046-5=2047-4
5	16681325.466	786735.243	RGV-RGC-2047-5=2048-3
6	16681200.539	786491.880	POC RGV-RGC-2046 2047 2048

NOTES:

1. THE BEARINGS, DISTANCES, AND COORDINATE VALUES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, REFERENCED TO NAD83(2011), TX SOUTH ZONE (4205), US SURVEY FEET, USING THE CORS(2011) ADJUSTMENT. THE DISTANCES AND COORDINATES SHOWN HEREON ARE GRID VALUES AND MAY BE CONVERTED TO GROUND (SURFACE) USING THE TxDOT COUNTY PUBLISHED COMBINED SCALE FACTOR OF 1.000040000 (E.G. GRID X 1.000040000 = SURFACE).
2. A SEPARATE METES AND BOUNDS DESCRIPTION OF EQUAL DATE WAS WRITTEN IN CONJUNCTION WITH THIS SURVEY PLAT.
3. THE SQUARE FOOTAGE TOTAL RECITED HEREIN IS BASED ON MATHEMATICAL CALCULATIONS AND SUBJECT TO THE RULES OF ROUNDING AND SIGNIFICANT NUMBERS.
4. THE REMAINING ACREAGE OF THE PARENT TRACT WAS CALCULATED FROM THE RECORDED INSTRUMENTS AND IS NOT BASED ON FIELD DIMENSIONS.
5. FIELD SURVEY COMPLETED 2/10/2019.
6. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
7. MDS LAND SURVEYING COMPANY, INC. HAS PROVIDED THESE SURVEY SERVICES TO THE CORPS OF ENGINEERS AS A SUBCONSULTANT TO BAF ENGINEERING, INC., THE PRIME CONSULTANT. THE CORPS' CONTRACTING OFFICER'S REPRESENTATIVE IS STEPHEN CORLEY, RPLS (817) 886-1143.



ALTA | BOUNDARY | CONSTRUCTION | OIL & GAS | TOPOGRAPHIC
 TEXAS BOARD OF PROFESSIONAL LAND SURVEYING FIRM REGISTRATION No. 10019020
 7208 SIDNEY BAKER • MERRVILLE, TX 78008 • (830) 616-1818

Drawing Ref. No.
SHEET 4 OF 6

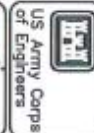
METES & BOUNDS SURVEY
 ELIZA NELLY MOLINA,
 RODOLFO R. MOLINA JR. & JOSE TRINIDAD MOLINA
TRACT No. RGV-RGC-2047
STARR COUNTY TEXAS

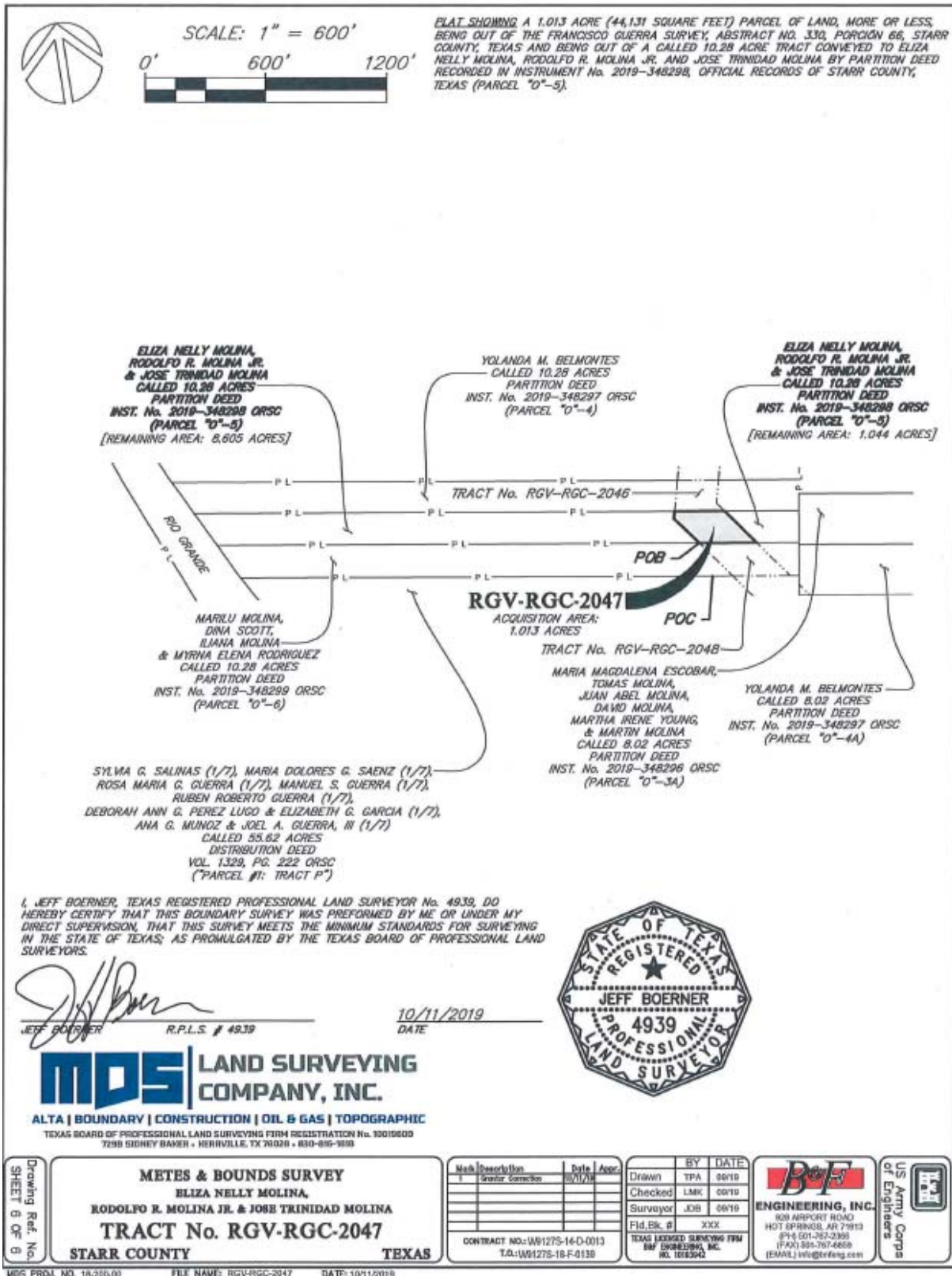
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1	Gravel Section	02/17/19	

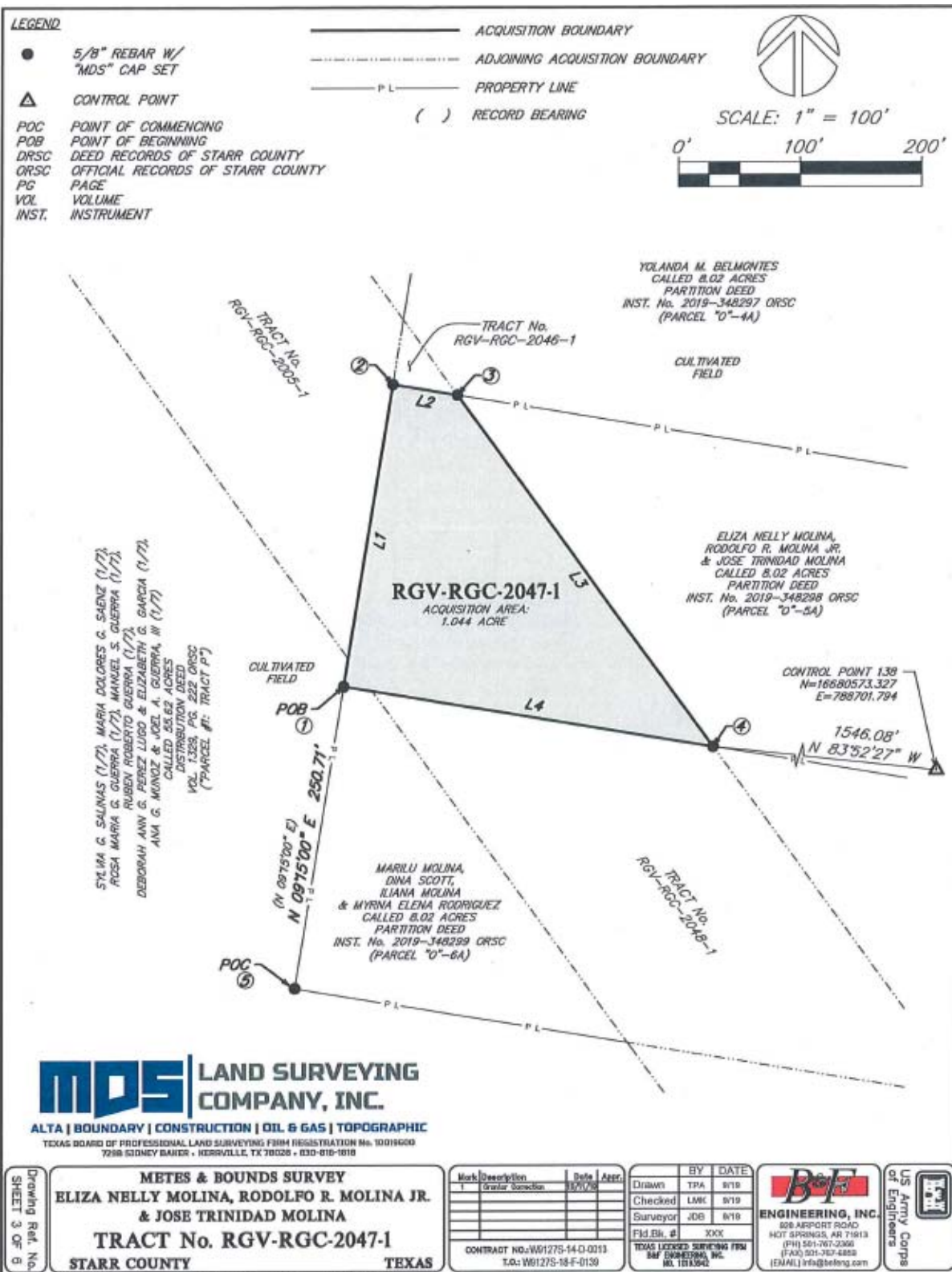
CONTRACT NO: W9127S-16-D-0013
 T.O.: W9127S-16-F-0139

BY	DATE
Drawn	TPA 02/19
Checked	LMC 02/19
Surveyor	JDB 02/19
Field Bk. #	XXX
TEXAS LICENSED SURVEYING FIRM BAF ENGINEERING, INC. NO. 12183642	

BAF ENGINEERING, INC.
 606 AIRPORT ROAD
 HOT SPRINGS, AR 71913
 (PH) 501-767-2300
 (FAX) 501-767-4808
 (EMAIL) info@bafeing.com



SCHEDULE D (Cont.)



SCHEDULE D (Cont.)

LINE	BEARING	DISTANCE	REC-BEARING	REC-DISTANCE
L1	N 09°15'00" E	250.70'	N 09°15'00" E	N/A
L2	S 80°45'00" E	54.25'	S 80°45'00" E	N/A
L3	S 36°10'21" E	357.19'	N/A	N/A
L4	N 80°45'00" W	308.67'	N 80°45'00" W	N/A

COORDINATE TABLE

MONUMENT NO.	NORTHING	EASTING	MONUMENT DESCRIPTION
1	16680787.931	786859.882	RGV-RGC-2047-1-1
2	16681035.371	786900.180	RGV-RGC-2046-1-1=2047-1-2
3	16681026.651	786953.723	RGV-RGC-2046-1-3=2047-1-3
4	16680738.314	787164.542	RGV-RGC-2047-1-4=2048-1-3
5	16680540.481	786819.582	POC RGV-RGC-2005 2005-1 2046-1 2047-1 2048-1

NOTES:

1. THE BEARINGS, DISTANCES, AND COORDINATE VALUES SHOWN HEREON ARE BASED ON THE TEXAS STATE PLANE COORDINATE SYSTEM, REFERENCED TO NAD83(2011), TX SOUTH ZONE (4205), US SURVEY FEET, USING THE CORS(2011) ADJUSTMENT. THE DISTANCES AND COORDINATES SHOWN HEREON ARE GRID VALUES AND MAY BE CONVERTED TO GROUND (SURFACE) USING THE TXDOT COUNTY PUBLISHED COMBINED SCALE FACTOR OF 1.000040000 (E.G. GRID X 1.000040000 = SURFACE).
2. A SEPARATE METES AND BOUNDS DESCRIPTION OF EQUAL DATE WAS WRITTEN IN CONJUNCTION WITH THIS SURVEY PLAT.
3. THE SQUARE FOOTAGE TOTAL RECITED HEREIN IS BASED ON MATHEMATICAL CALCULATIONS AND SUBJECT TO THE RULES OF ROUNDING AND SIGNIFICANT NUMBERS.
4. THE REMAINING ACREAGE OF THE PARENT TRACT WAS CALCULATED FROM THE RECORDED INSTRUMENTS AND IS NOT BASED ON FIELD DIMENSIONS.
5. FIELD SURVEY COMPLETED 2/10/2019.
6. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.
7. MDS LAND SURVEYING COMPANY, INC. HAS PROVIDED THESE SURVEY SERVICES TO THE CORPS OF ENGINEERS AS A SUBCONSULTANT TO B&F ENGINEERING, INC., THE PRIME CONSULTANT. THE CORPS' CONTRACTING OFFICER'S REPRESENTATIVE IS STEPHEN CORLEY, RPLS (817) 886-1143.



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TEXAS BOARD OF PROFESSIONAL LAND SURVEYING FORM REGISTRATION No. 10089600
7256 SIDNEY BAHER - KERRVILLE, TX 78603 - 830-016-9018

Drawing Ref. No.
SHEET 4 OF 6

METES & BOUNDS SURVEY
ELIZA NELLY MOLINA, RODOLFO R. MOLINA JR.
& JOSE TRINIDAD MOLINA
TRACT No. RGV-RGC-2047-1
STARR COUNTY TEXAS

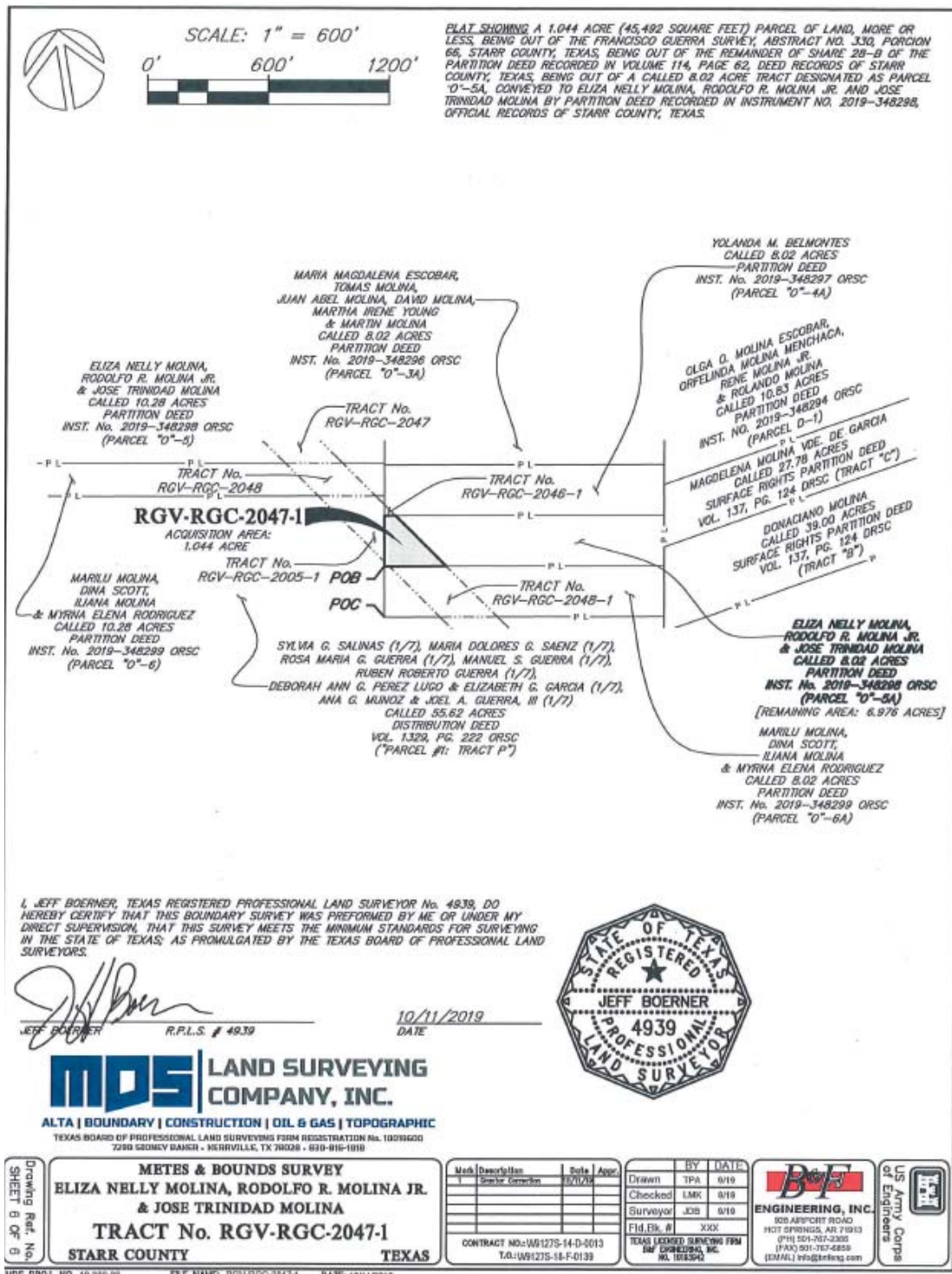
Work Description	Date	Appr.
1. Initial Correction	03/05/20	

CONTRACT NO. W01275-14-D-0013
T.O.: W01275-18-F-0139

BY	DATE
Drawn TPA	8/18
Checked LNH	8/18
Surveyor JCB	8/18
File Blk. #	XXXX
TEXAS LICENSED SURVEYING FIRM B&F ENGINEERING, INC. No. 1918346	

B&F ENGINEERING, INC.
838 AIRPORT ROAD
HOT SPRINGS, AR 71913
(501) 501-707-2366
(501) 501-767-0859
(EMAIL) info@benteng.com



SCHEDULE D (Cont.)

Tract: RGV-RGC-2047, 2047-1
Owner: Rodolfo R. Molina, et al.
Total Acres: 2.057

SCHEDULE E

SCHEDULE E

ESTATE TAKEN

Starr County, Texas

Tract: RGV-RGC-2047, 2047-1
Owner: Rodolfo R. Molina, *et al.*
Total Acres: 2.057

Tract #1: RGV-RGC-2047
Acres: 1.013

The estate taken is fee simple, subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; and subject to all interests in minerals and appurtenant rights for exploration, development, production and removal of said minerals;

Reserving to the owners of the lands identified in conveyance recorded with the Official Records of Starr County, Texas, document number 2019-348298, reasonable access to and from the owners' lands lying between the Rio Grande River and the border barrier through opening(s) or gate(s) in the border barrier between the westernmost mark labeled "Beginning" and easternmost mark labeled "Ending" depicted on the map below;

Excepting and excluding all interests in water rights and water distribution and drainage systems, if any, provided that any surface rights arising from such water rights or systems are subordinated to the United States' construction, operation and maintenance of the border barrier.

SCHEDULE E (Cont.)

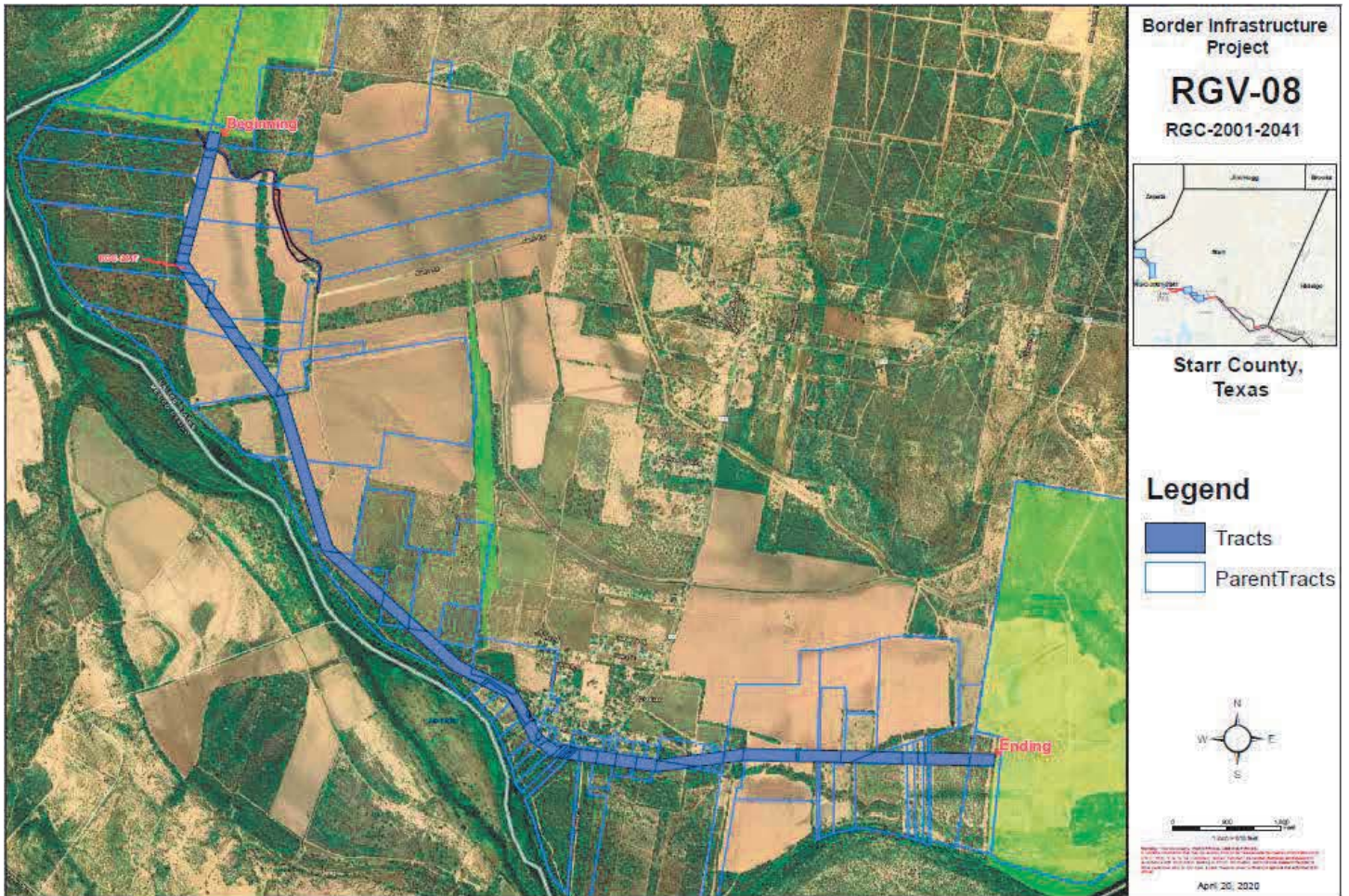
Tract #2: RGV-RGC-2047-1

Acres: 1.044

The estate taken is fee simple, subject to existing easements for public roads and highways, public utilities, railroads, and pipelines; and subject to all interests in minerals and appurtenant rights for exploration, development, production and removal of said minerals;

Excepting and excluding all interests in water rights and water distribution and drainage systems, if any, provided that any surface rights arising from such water rights or systems are subordinated to the United States' construction, operation and maintenance of the border barrier.

SCHEDULE E (Cont.)



Tract: RGV-RGC-2047, 2047-1
Owner: Rodolfo R. Molina, *et al.*
Total Acres: 2.057

SCHEDULE

F

SCHEDULE F

ESTIMATE OF JUST COMPENSATION

The sum estimated as just compensation for the lands being taken is TEN THOUSAND DOLLARS AND NO/100 (\$10,000.00), to be deposited herewith in the Registry of the Court for the use and benefit of the persons entitled thereto.

TRACT RGV-RGC-2047:

The sum estimated as just compensation for the land acquired is FIVE THOUSAND DOLLARS AND 00/100 (\$5,000.00).

TRACT RGV-RGC-2047-1:

The sum estimated as just compensation for the land acquired is FIVE THOUSAND DOLLARS AND 00/100 (\$5,000.00).

SCHEDULE G

SCHEDULE G**INTERESTED PARTIES**

The following table identifies all persons who have or claim an interest in the property condemned and whose names are now known, indicating the nature of each person's property interest(s) as indicated by references in the public records and any other information available to the United States. *See* Fed. R. Civ. P. 71.1(c).

Interested Party	Reference
Olga O. Molina Escobar Roma, TX 78584	RGV-RGC-2047, 2047-1 Partition Deed, Document No. 2019-348294. Recorded March 5, 2019, Official Records of Starr County, Texas
Rolando Molina Kyle, TX 78640	RGV-RGC-2047, 2047-1 Partition Deed, Document No. 2019-348294. Recorded March 5, 2019, Official Records of Starr County, Texas
Orfelinda Molina Menchaca Roma, TX 78584	RGV-RGC-2047, 2047-1 Partition Deed, Document No. 2019-348294. Recorded March 5, 2019, Official Records of Starr County, Texas
Rene Molina, Jr. Houston, TX 77041	RGV-RGC-2047, 2047-1 Partition Deed, Document No. 2019-348294. Recorded March 5, 2019, Official Records of Starr County, Texas
Alma Nora Ibarra Houston, TX 77089	RGV-RGC-2047, 2047-1 Partition Deed, Document No. 2019-348294. Recorded March 5, 2019, Official Records of Starr County, Texas
Aaron Sandoval, Jr. McAllen, TX 78501	RGV-RGC-2047, 2047-1 Partition Deed, Document No. 2019-348294. Recorded March 5, 2019, Official Records of Starr County, Texas
The Unknown Heirs of Abel Adalberto Sandoval, deceased c/o Ricardo Sandoval Houston, Texas 77066	RGV-RGC-2047, 2047-1 Partition Deed, Document 2019-348298; Recorded March 5, 2019, Deed Records of Starr County, Texas

Ricardo Sandoval Houston, TX 77066	RGV-RGC-2047, 2047-1 Partition Deed, Document No. 2019-348294. Recorded March 5, 2019, Official Records of Starr County, Texas
Juan Luis Sandoval Mission, TX 78572	RGV-RGC-2047, 2047-1 Partition Deed, Document No. 2019-348294. Recorded March 5, 2019, Official Records of Starr County, Texas
Jaime Joel Sandoval McAllen, TX 78501	RGV-RGC-2047, 2047-1 Partition Deed, Document No. 2019-348294. Recorded March 5, 2019, Official Records of Starr County, Texas
Rodolfo Sandoval Cedar Park, TX 78613	RGV-RGC-2047, 2047-1 Partition Deed, Document No. 2019-348294. Recorded March 5, 2019, Official Records of Starr County, Texas
Maria Magdalena Escobar Roma, Texas 78584	RGV-RGC-2047, 2047-1 Partition Deed, Document No. 2019-348294. Recorded March 5, 2019, Official Records of Starr County, Texas
Tomas Molina c/o Maria Escobar Roma, Texas 78584	RGV-RGC-2047, 2047-1 Partition Deed, Document No. 2019-348294. Recorded March 5, 2019, Official Records of Starr County, Texas
Juan Abel Molina c/o Maria Escobar Roma, Texas 78584	RGV-RGC-2047, 2047-1 Partition Deed, Document No. 2019-348294. Recorded March 5, 2019, Official Records of Starr County, Texas
David Molina c/o Maria Escobar Roma, Texas 78584	RGV-RGC-2047, 2047-1 Partition Deed, Document No. 2019-348294. Recorded March 5, 2019, Official Records of Starr County, Texas
Martha Irene Young c/o Maria Escobar Roma, Texas 78584	RGV-RGC-2047, 2047-1 Partition Deed, Document No. 2019-348294. Recorded March 5, 2019, Official Records of Starr County, Texas
Martin H. Molina	RGV-RGC-2047, 2047-1

Address Unknown	Gift Deed, Document No. 2005-246526. Recorded May 13, 2005, Official Records of Starr County, Texas
Martin Molina Address Unknown	RGV-RGC-2047, 2047-1 Partition Deed, Document No. 2019- 348294. Recorded March 5, 2019, Official Records of Starr County, Texas
Yolanda M. Belmontes Kingsville, Texas 78363	RGV-RGC-2047, 2047-1 Partition Deed, Document No. 2019- 348294. Recorded March 5, 2019, Official Records of Starr County, Texas
Rodolfo R. Molina, Jr. a/k/a Rudy Molina McAllen, Texas 78501	RGV-RGC-2047, 2047-1 Partition Deed, Document 2019-348298; Recorded March 5, 2019, Deed Records of Starr County, Texas
Eliza Nelly Molina Weslaco, Texas 78599	RGV-RGC-2047, 2047-1 Partition Deed, Document 2019-348298; Recorded March 5, 2019, Deed Records of Starr County, Texas
Jose Trinidad Molina Mission, Texas 78573	RGV-RGC-2047, 2047-1 Partition Deed, Document 2019-348298; Recorded March 5, 2019, Deed Records of Starr County, Texas
Marilu Molina Austin, TX 78744-3854	RGV-RGC-2047, 2047-1 Partition Deed, Document 2019-348298; Recorded March 5, 2019, Deed Records of Starr County, Texas
Dina Scott Austin, TX 78759-5062	RGV-RGC-2047, 2047-1 Partition Deed, Document 2019-348298; Recorded March 5, 2019, Deed Records of Starr County, Texas
Iliana Molina aka Illiana M. Flores La Grange, TX 78945	RGV-RGC-2047, 2047-1 Partition Deed, Document 2019-348298; Recorded March 5, 2019, Deed Records of Starr County, Texas
Myrna Elena Rodriguez	RGV-RGC-2047, 2047-1 Partition Deed, Document 2019-348298;

Austin, TX 78744-7976	Recorded March 5, 2019, Deed Records of Starr County, Texas
Guadalupe Soliz, Jr. Humble, TX 77396	RGV-RGC-2047, 2047-1 Gift Deed, Document 1997-191809; Recorded June 17, 1997, Deed Records of Starr County, Texas
Olga Molina Austin, Texas 78744	RGV-RGC-2047, 2047-1 Surviving Spouse of Eben E. Molina Surface Rights Partition Deed, Document No. 1945-22533, recorded January 25, 1945, Deed Records of Starr County, Texas
Maria Molina c/o Rodolfo R. Molina, Jr. McAllen, Texas 78501	RGV-RGC-2047, 2047-1 Surviving Spouse of Rodolfo R. Molina Surface Rights Partition Deed, Document No. 1945-22533, recorded January 25, 1945, Deed Records of Starr County, Texas
Vern Vanderpool Austin, TX 78518	RGV-RGC-2047, 2047-1 Tenant Farmer
Ameida Salinas Starr County Tax Assessor-Collector 100 N FM 3167, Room 201 Rio Grande City, Texas 78582	Tax Authority

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

United States of America

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
P. Conner Kirtley, United States Attorney's Office, Southern District of Texas, 11204 McPherson Rd Suite 100A, Laredo, TX 78045

DEFENDANTS

2.057 Acres of Land, More or Less, Situate in Starr County, State of Texas; and Rodolfo R. Molina, et. al.

County of Residence of First Listed Defendant Starr
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act
REAL PROPERTY <input checked="" type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
		<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	
		LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157	
		IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions		

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
40 U.S.C. 3113 and 3114

Brief description of cause:

Land condemnation proceeding for fee simple interest to construct, install, operate, and maintain border security

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION DEMAND \$ _____
UNDER RULE 23, F.R.Cv.P.

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE Randy CraneDOCKET NUMBER 7:20-CV-267

DATE

12/18/2020

SIGNATURE OF ATTORNEY OF RECORD

/s/ P. Conner Kirtley

FOR OFFICE USE ONLY

RECEIPT # _____

AMOUNT _____

APPLYING IFP _____

JUDGE _____

MAG. JUDGE _____